



MEMORANDUM

Date: June 18, 2021

To: The Honorable Chair and Members
Pima County Board of Supervisors

From: C.H. Huckelberry
County Administrator

A handwritten signature in black ink, appearing to be "CHH", is written over the printed name "C.H. Huckelberry".

Re: **Recreational Marijuana Zoning Code Update**

As you are aware, Arizona legalized the recreational use of marijuana last year thereby necessitating updates to our zoning regulations which are presently limited to medical marijuana dispensaries and offsite cultivation.

Please find attached a review of the context from Development Services Deputy Director Chris Poirier. Revised regulations are anticipated to be presented to the Board this fall.

Please let me know if you have any questions.

CHH/anc

Attachment

c: Jan Leshar, Chief Deputy County Administrator
Carmine DeBonis, Jr., Deputy County Administrator for Public Works
Francisco Garcia, MD, MPH, Deputy County Administrator & Chief Medical Officer
Health and Community Services
Yves Khawam, PhD, Assistant County Administrator for Public Works
Carla Blackwell, Director, Development Services
Chris Poirier, Deputy Director, Development Services



DATE: June 17, 2021

TO: Carla Blackwell, Director

FROM: Chris Poirier, Deputy Director CP

SUBJECT: Aligning Pima County Zoning with City of Tucson Zoning regarding Marijuana Land Uses

In November 2020, Arizona became the 15th state to legalize the recreational use of marijuana. The law – Proposition 207 and nicknamed the Smart and Safe Marijuana Act – took effect in 2021. It allows law-abiding adults to possess, use and grow marijuana, within specific guidelines. It also decriminalizes the possession of marijuana, in many cases. This new adult use program is in addition to the medical marijuana program.

From a Pima County Code standpoint, the zoning code does not align with these new efforts towards marijuana deregulation. Currently the Pima County Zoning Code only allows medical marijuana dispensaries and offsite cultivation locations as a Type III Conditional Use Permit (2 public hearings) exclusively within the CB-2 zone subject to intense setbacks requirements from uses like schools, bus stops, churches, etc.. Since the original adoption of medical marijuana regulations (2010), only one site obtained approval. The approved site was located in Ajo, AZ and only operated for a short period after receiving approval from the BOS after an extensive a Type III CUP in 2013. Shortly after approval, it relocated to the Phoenix Metropolitan Area.

After a review of the Pima County Zoning Code (PCZC), the newly legalized adult use marijuana locations (AUM) are subject to the same highly restrictive standards of the medical use marijuana (same Type 3 CUP and setbacks). This may be the time to consider significant changes to the County's Zoning Code on all types of marijuana uses.

In 2010, the County was the first jurisdiction in Arizona to have enacted Marijuana Zoning rules. The zoning code was enacted before the Arizona Department of Health Services had even published their Medical Marijuana rules. We had anticipated significant negative secondary impacts (high crime) near these uses. If an effort to minimize these secondary impacts we enacted a very strict code in a manner similar to zoning rules for adult activities (strip clubs). We limited which zones they could be located in, imposed unprecedented setbacks and required a lengthy public hearing process. In hindsight, our concerns may have been overstated. The City of Tucson has reported the negative secondary impacts we anticipated were never realized near their dispensaries and cultivation locations.

The City of Tucson recently adopted changes to their marijuana zoning rules. Currently the County rules are much more restrictive, and if we pursue changes to our rules, we should consider aligning with the City's regulations. A significant distinction is that in the City, dispensaries and off-site cultivations are *by-right uses*, and allowed in multiple commercial and industrial zones (no public hearings, and more location options when compared to the County). Additionally, the City has greater area allowances, less setbacks and less uses of which the setbacks are measured from. Not surprisingly, there are several off-site cultivation locations and dispensaries (both medical and adult use) operating in the City and none in the County.

With these lessons learned, and the overwhelming voter approval for adult recreational use, staff is beginning the effort to align our code with the City regarding marijuana land uses. Staff is required to request formal imitation by either the Planning and Zoning Commission or the Board of Supervisors, and anticipates doing so in the late summer/early fall.